

To: Levine, Carolyn[Levine.Carolyn@epa.gov]
From: Distefano, Nichole
Sent: Thur 8/13/2015 8:40:13 PM
Subject: RE: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

This is the approved EOC response

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

"Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property."

Nichole Distefano

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From: Levine, Carolyn
Sent: Thursday, August 13, 2015 3:12 PM
To: Distefano, Nichole
Subject: FW: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press
Importance: High

Another, fyi.

I told Brent to hang tight and we'd coordinate.

Carolyn Levine

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From: Maier, Brent
Sent: Thursday, August 13, 2015 3:02 PM
To: Vaught, Laura; Quast, Sylvia; Manzanilla, Enrique; Yogi, David; Snyder, Raquel; Levine, Carolyn; Allen, HarryL; Harris-Bishop, Rusty; Robberson, Bill
Cc: Higuchi, Dean; Keener, Bill; Zito, Kelly
Subject: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

Importance: High

Congressman Paul Gosar's office is asking for a response from me to the claims made in the links provided. Do we have a response that I can share back with the Congressman's office who is being asked for a comment on this issue? I would like to respond back to the Congressman's office as soon as possible. Thanks.

Brent Maier

Congressional Liaison

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San Francisco, CA 94105

Ph: 415.947.4256

From: Small, Jeff [<mailto:Jeff.Small@mail.house.gov>]

Sent: Thursday, August 13, 2015 11:44 AM

To: Maier, Brent

Subject: RE: U.S. EPA - EPA Administrator Gina McCarthy Holding Media Availability in Farmington, NM and Statement on Colorado data from Gold King Mine Release

Hey Brent,

Good talking to you.

The Congressman would like a response to this claim if possible as we are now getting press inquiries:

"The U.S. Environmental Protection Agency is offering immediate reimbursements for damages from the Gold King Mine water contamination in exchange for waiving rights

for future claims.”

<http://www.navajonnsn.gov/News%20Releases/OPVP/2015/aug/Operation%20To'%20Litso.pdf>

There is already a quote from Chairman Bishop on this matter in this Washington Times Article.

<http://www.washingtontimes.com/news/2015/aug/12/indians-say-epa-trying-swindle-them-mine-spill/>

Here's another article I found:

<http://www.hngn.com/articles/118861/20150812/navajo-nation-epa-trying-cheat-over-mine-spill-plans-sue.htm>

Our press guy also just informed me when I got off the phone that we now also have an inquiry from a reporter asking for a comment from the Congressman.

Obviously, we would like to have the facts before responding to the reporter.

Please let me know as soon as you can what the facts are if you would.

Thanks again for taking my call.

Sincerely,

Jeff Small

Legislative Director

Congressman Paul A. Gosar, D.D.S.

Arizona's 4th District

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